

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN**

Fiskars Finland Oy Ab and Fiskars Brands
Inc.,

Plaintiffs,

v.

Woodland Tools Inc.,

Defendants.

Case No. 3:22-cv-540-JDP

JURY TRIAL DEMANDED

DEFENDANT WOODLAND TOOLS INC.’S RULE 26(a)(3) DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(3), the Court’s Pretrial Scheduling Order, and in light of the Court’s Opinion and Order on the Parties’ Motions for Summary Judgment [Dkt. 314], Defendant Woodland Tools, Inc. (“Woodland” or “Defendant”), by and through its attorneys, for its Rule 26(a)(3) Disclosures states as follows:

- i. The name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises.*

Woodland discloses the following witnesses it expects to present at trial:

1. Keegan Nesvacil
2. Stephanie Cota
3. Ross Gundlach
4. James Meiller
5. Woodland’s expert witness Stephen M. Nowlis, Ph.D
6. Woodland’s expert witness Gregory D. Buckner, Ph.D

7. Woodland's expert witness Barry L. Bell

Woodland discloses the following witnesses it may call in any phase of trial if the need arises:

1. Mike Kollman
2. Daniel Cunningham

Woodland reserves the right to call any of Fiskars's¹ witnesses during Woodland's presentation of evidence in any phase of trial including, but not limited to, those witnesses disclosed on any of Fiskars' Initial Disclosures and any identified in Fiskars' Rule 26(a)(3) Disclosures. Woodland also reserves the right to request the Court's approval for any of the above-listed witnesses to testify by video, if necessary.

ii. The designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.

Woodland designates testimony from the following witnesses whose testimony was taken stenographically and may be presented by video at trial. The designated portions of the deposition transcripts for each witness are set forth in the below tables.

- **Jason Darnall. Deposition taken by stenograph and video on July 25, 2024**

Page:Line	Exhibit
6:22-7:2	
11:4-17	
13:13-16	
13:22-24	
15:25-16:13	
36:1-2	
36:7-40:23	
41:19-42:8	
45:3-13	
50:10-56:15	

¹ "Fiskars" or "Plaintiffs" refers collectively to Plaintiffs Fiskars Brands Inc. ("Fiskars Brands") and Fiskars Finland Oy Ab ("Fiskars Finland").

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79:15-80:8	
80:12-24	
81:3-12	
82:17-83:5	
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84:11-20	
84:24-85:15	
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102:19-103:10	
104:1-4	
106:8-12	
115:17-116:1	
120:19-24	
126:10-21	
126:25	
128:9-13	
133:16-18	Ex. 2
134:6-144:2	
144:22-148:17	Ex. 3
151:4-152:25	
155:5-10	
165:4-167:9	Ex. 5
168:11-170:14	Ex. 6
170:21-174:13	Ex. 7
174:24-175:17	
175:21-176:9	
177:1-178:8	Ex. 8
178:12-179:6	
180:16-181:2	
198:22-200:14	Ex. 11
209:13-213:10	Ex. 13
234:9-236:6	Ex. 17
243:5-248:8	Ex. 19
253:9-256:11	Ex. 24
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- **Kent Klagos. Deposition taken by stenograph and video on July 31, 2024.**

Page:Line	Exhibit
7:3-8	
11:7-10	
20:6-18	
22:12-25:6	
26:21-27:7	
27:14-28:16	
47:1-48:6	
74:14-75:22	
108:3-19	
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156:12-157:23	
158:2-5	
160:2--22	
160:25-161:14	
162:24-165:21	
193:4-194:24	Ex. 4
214:5-18	Ex. 8
215:2-216:1	
228:12-21	Ex. 12
228:25-229:13	
268:10-15	

- **Daniel Cunningham. Deposition taken by stenograph and video on August 2, 2024.**

Page:Line	Exhibit
7:8-14	
11:18-21	
17:20-18:10	
19:3-15	
19:22-20:1	
20:17-20	
36:9-15	
37:7-20	
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50:22-52:6	
59:4-60:17	
60:20-61:10	
75:21-76:25	
79:22-80:11	
152:22-25	
158:25-159:3	
159:6-160:23	

164:1-166:14	
167:21-172:17	
172:20-174:22	
174:25-175:3	
175:13-19	
175:22-176:5	
176:8-11	
176:16-178:6	Ex. 14
179:10-18	
180:12-189:21	Ex. 15 and 16
189:24-191:11	Ex. 17
191:14-198:11	Ex. 18 and 19
199:24-200:20	
201:12-203:10	Ex. 20
203:23-209:12	
209:15-211:11	
211:14-212:6	
212:9-213:6	
213:9-19	
213:22-216:3	
221:24-222:9	
222:13-223:13	
236:23-237:19	Ex. 24
238:4-6	
238:9-13	

- **Geordie Shaw. Deposition taken by stenograph and video on August 13, 2024.**

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11:23-25	
54:5-55:3	
55:14-20	
59:5-61:11	
62:7-20	
84:1-85:11	
89:10-91:7	
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108:15-20	
108:24-109:15	
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152:6-154:2	Ex. 10
154:10-19	
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- **The Rule 30(b)(6) combined deposition of Fiskars Brands Inc. and Fiskars Finland Oy Ab. Deposition taken by stenograph and video on August 29, 2024 (corporate testimony from Daniel Cunningham)**

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8:3-21	
9:1-12:16	Ex. 1, 2, and 3
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21:1-23:16	
24:22-25:9	
31:2-13	
31:24-35:8	
35:22-36:4	
36:8-22	
37:10-40:25	
41:3-47:6	Ex. 4
47:9-48:7	
48:16-48:25	
50:19-56:2	Ex. 5
56:5-57:8	
57:11-58:11	
58:20-63:5	Ex. 6 & 7
63:10-64:4	
64:7-23	
65:1-12	
65:15-19	
65:22-70:18	Ex. 8
70:21-71:2	
71:8-72:6	Ex. 9
72:8-25	
73:3-8	
73:11-20	
73:23-74:6	
74:9-12	
74:15-16	
74:23-76:12	Ex. 10
76:15-79:7	

79:11-80:7	
80:11-81:2	
81:21-85:22	
88:2-96:18	Ex. 11 & 12
98:1-103:14	Ex. 13
103:17-107:11	Ex. 14 & 15
107:14-112:16	Ex. 16, 17, 18
112:19-114:24	Ex. 19
115:8-116:11	Ex. 20
116:20-23	Ex. 21
117:3-121:18	Ex. 22
121:23-122:7	
123:4-17	
123:19	
123:22-124:22	
124:25-126:15	Ex. 23
126:17-128:24	Ex. 24, 25, 26, 27, 28
129:2-9	Ex. 29
129:12-19	Ex. 30
129:22-130:5	Ex. 31
130:7-16	Ex. 32
130:18-25	Ex. 33
131:2-10	Ex. 34
131:13-133:5	
133:8-20	
133:22-24	
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133:22-24	
134:2-11	
134:14-17	
135:4-18	
135:21-136:7	
136:12-136:18	
136:23-137:25	Ex. 35
138:4-16	
138:22-139:5	
139:9-21	
139:24-140:17	
140:21-141:5	
142:14-143:7	
143:10-144:3	
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- **The Rule 30(b)(6) combined deposition of Fiskars Brands Inc. and Fiskars Finland Oy Ab. (corporate testimony from Scott Carey) and the personal deposition of Scott Carey. Deposition taken by stenograph and video on August 29, 2024.**

Page:Line	Exhibit
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24:6-28:18	
33:7-21	
33:23-34:7	
44:24-46:20	Ex. 3 and 4
46:23-47:19	Ex. 6
47:24-25	
48:6-15	
49:4-50:23	
51:18-52:25	Ex. 7
53:3-8	
54:1-15	
54:17-55:18	
56:15-57:18	
58:1-66:23	Ex. 8
66:25-67:6	
67:9-19	
67:23-68:18	
68:21-25	
69:2-71:9	
71:12-75:25	
76:3-9	
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80:6-81:17	
81:19-82:7	
82:10-82:22	
82:25-83:12	
83:15-84:10	
84:14-85:4	
85:7-20	
85:23-86:7	
86:9-15	

86:17-24	
87:1-9	
87:11-18	
87:20-88:2	
88:4-12	
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89:5-90:7	
90:11-13	
90:15-20	
90:22-91:19	
91:23-92:5	
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99:16-101:5	
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117:1-118:25	
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119:12-120:23	
120:25-121:19	
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Full copies of the above-listed deposition transcripts have previously been filed or are being filed concurrently herewith.

Woodland also reserves the right to designate additional deposition testimony from any previously deposed witness based on Fiskars' Rule 26(a)(3) Disclosures, Fiskars' pretrial filings, and the Court's rulings including, but not limited to, the deposition testimony of Fiskars' expert Dr. Botner. Further, Woodland reserves the right to rely on deposition testimony based on the witnesses and evidence identified and presented by Plaintiffs or based on unforeseen events that may cause the unavailability of live witness testimony.

- iii. An identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.*

Woodland's Exhibit List is filed concurrently herewith on the Court's form for identification of trial exhibits. Woodland reserves the right to offer any exhibits used and/or identified by Plaintiffs. Woodland reserves the right to offer as exhibits any additional documents that have been exchanged by the parties or filed with the Court based on Fiskars' Rule 26(a)(3) Disclosures, Fiskars' pretrial filings, and the Court's rulings. Woodland further reserves the right to offer additional exhibits for the purposes of impeachment, to refresh a witness's recollection, and/or for rebuttal. Woodland additionally plans to designate demonstrative exhibits prior to trial.

Dated September 13, 2024.

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